

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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EDDYSTONE RAIL COMPANY, LLC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	<b>Case No: 1:17-cv-01266-WHP</b>
	)	
JAMEX TRANSFER SERVICES, LLC,	)	
	)	
Respondent.	)	
	)	

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**DECLARATION OF DAVID M. ZENSKY IN SUPPORT OF THE BRIDGER PARTIES'  
AND FERRELLGAS OFFICERS' MOTION TO INTERVENE**

DAVID M. ZENSKY, pursuant to 28 U.S.C. § 1746, declares:

1. I am a partner of the law firm Akin Gump Strauss Hauer & Feld, LLP, counsel for Defendants Bridger Logistics, LLC, Ferrellgas Partners, L.P., and Ferrellgas, L.P. (collectively, the “Bridger Parties”). I submit this declaration in support of the joint motion of the Bridger Parties, Julio Rios and Jeremy Gamboa (collectively, the “Proposed Intervenors”) to intervene in the above-captioned action. All of the facts set forth herein are based upon my personal knowledge or a review of the relevant documents.

2. Eddystone did not serve any notice of this action on any of the Proposed Intervenors. After the Bridger Parties learned about the pendency of this action through their own diligence, I notified Eddystone’s counsel by email of the Bridger Parties’ intent to intervene on February 20, 2017 and on February 21, 2017 Eddystone’s counsel notified me by email that Eddystone would not consent to intervention. Attached hereto as **Exhibit A** is a true and correct copy of the email sent by Eddystone’s counsel, Filiberto Agusti, on February 21, 2017.

3. Attached hereto as **Exhibit B** is a true and correct copy of the February 2013 Rail Facilities Services Agreement between Bridger Transfer Services, LLC and Eddystone Rail

Company, LLC.

4. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of the February 22, 2016 Purchase and Sale Agreement between Bridger Logistics, LLC and Jamex Transfer Holdings, LLC.

5. Attached hereto as **Exhibit D** is a true and correct copy of the Complaint filed in the action entitled Eddystone Rail Company, LLC v. Bridger Logistics, LLC et al., Civil Action No. 2:17-cv-00495-RK (E.D. Pa.)

6. Attached hereto as **Exhibit E** is a true and correct copy of the letter dated March 15, 2017 from my colleague Sunny Gulati to Filiberto Agusti.

7. Attached hereto as **Exhibit F** is a true and correct copy of the letter dated April 10, 2017 from Filiberto Agusti to Sunny Gulati.

8. Attached hereto as **Exhibit G** is a true and correct copy of the Proposed Intervenors' proposed *Answer and Cross-Petition to Vacate and or Modify Arbitration Award* in the above-captioned matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 9, 2017

/s/ David M. Zensky  
David M. Zensky